REMARKS

In response to paragraphs 2 and 3 of the action, we are enclosing proposed drawing corrections to FIGS. 2 and 4, the changes being indicated in red. Since these corrections only involve numeric additions we assume they will be approved. Accordingly, we are also enclosing drawing replacement sheets with those corrections already made.

Claims 1-21 are in the application, these claims have been rejected initially as being anticipated by Yee et al. '287 or as being unpatenable over Yee et al. in view of various secondary references of record.

In order to clearly distinguish the primary reference, we have amended claim 1 to specify:

a sterilization tray assembly for medical instruments comprising a unitary molded plastic base including a plurality of individual tubes defining first passages, each first passage having open upper and lower ends, a first web having a periphery and connecting and supporting the tubes in parallel space-apart relation so that a fluid can circulate around and between the tubes from the first web down to the lower ends of the passages, instruments supports at the lower ends of the plurality of tubes for supporting medical instruments placed in the first passages while allowing a fluid to circulate through the first passages, and a unitary molded plastic cover seated on the base so as to cover the instruments. Thus it is clear that the assembly recited in claim 1 supports medical instruments in individual tubes supported in parallel spaced-apart relation so that a fluid can circulate around and between those tubes.

As defined in Webster's Seventh Intercollegiate Dictionary, the word tube means "a hollow elongated cylinder."

We submit that the container described and depicted in the cited Yee et al. patent is not composed of individual tubes held in spaced-apart relation so that a fluid can circulate around and between them. On the contrary, the instruments there are supported in passages formed in a solid block 10. Since there are no openings in that block between the passages that hold the instruments, that reference cannot possibly anticipate claims 1-6 and 8.

For the same reason, claims 7 and 10-17 are patenably distinguishable from Yee et al. alone or in combination with the cited secondary references.

With particular reference to applicant's claims directed to an assembly which includes a detailed cover, i.e. claims 10-13, 17 and 18, these claims are allowable because they recite specific cover structure not found in the references. These claims are treated in Paragraph 10 of the action wherein the Examiner rejects them as being unpatenable over Yee et al. in view of Friedman '167.

Like applicant's assembly base composed of spaced-apart tubes, his claimed cover is composed of spaced-apart sleeves defining passages which when the cover is closed are aligned and continuous with the passages in the base tubes so as to isolate the instruments therein from those in adjacent passages. This is clearly seen in drawing Fig. 5.

No such cover structure is found in Yee et al. In that reference, the cover 12 is formed with side shields 36 and 38 shown in Pat. Fig. 5 as being thin walls which define

a cavity between them which cavity extends the entire length of the cover as pointed out by the Examiner in the middle of page 6 of the action. Therefore, there can be no suggestion in Yee et al. to provide a cover which, when the cover is closed, provides passages which are collinear and continuous with those in the base so as to isolate each instrument from its neighbors.

In rejecting these claims, the Examiner has taken the position that would be obvious to substitute the cover in Friedman for the Yee et al. cover 12. In Friedman, the cover has a single plate 8 formed with passages therein that hold instruments magnetically. Thus, it cannot possibly be a unitary molded plastic structure as required by applicant's claims. Also, plate 8 being a solid block, it does not have the spaced-apart sleeves around and between which a fluid can circulate. Moreover, when Friedman's cover is closed, the passages 14 therein, do not cooperate with corresponding passages in his container 1 because there are none.

In other words, neither Yee et al. nor Friedman considered alone or in any proper combination teach providing a base with instrument-receiving passages and a cover with corresponding passages which when the cover is closed on the base provide collinear and continuous passages which isolate each instrument from its neighbors, much less doing so through the use of spaced-apart tubes and sleeves which allow a fluid to circulate between the passages so as to more effectively heat the instruments therein.

According, and for the forgoing reasons, claims 1-21 should be allowed and we request reconsideration to that end.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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Corrected Sheet

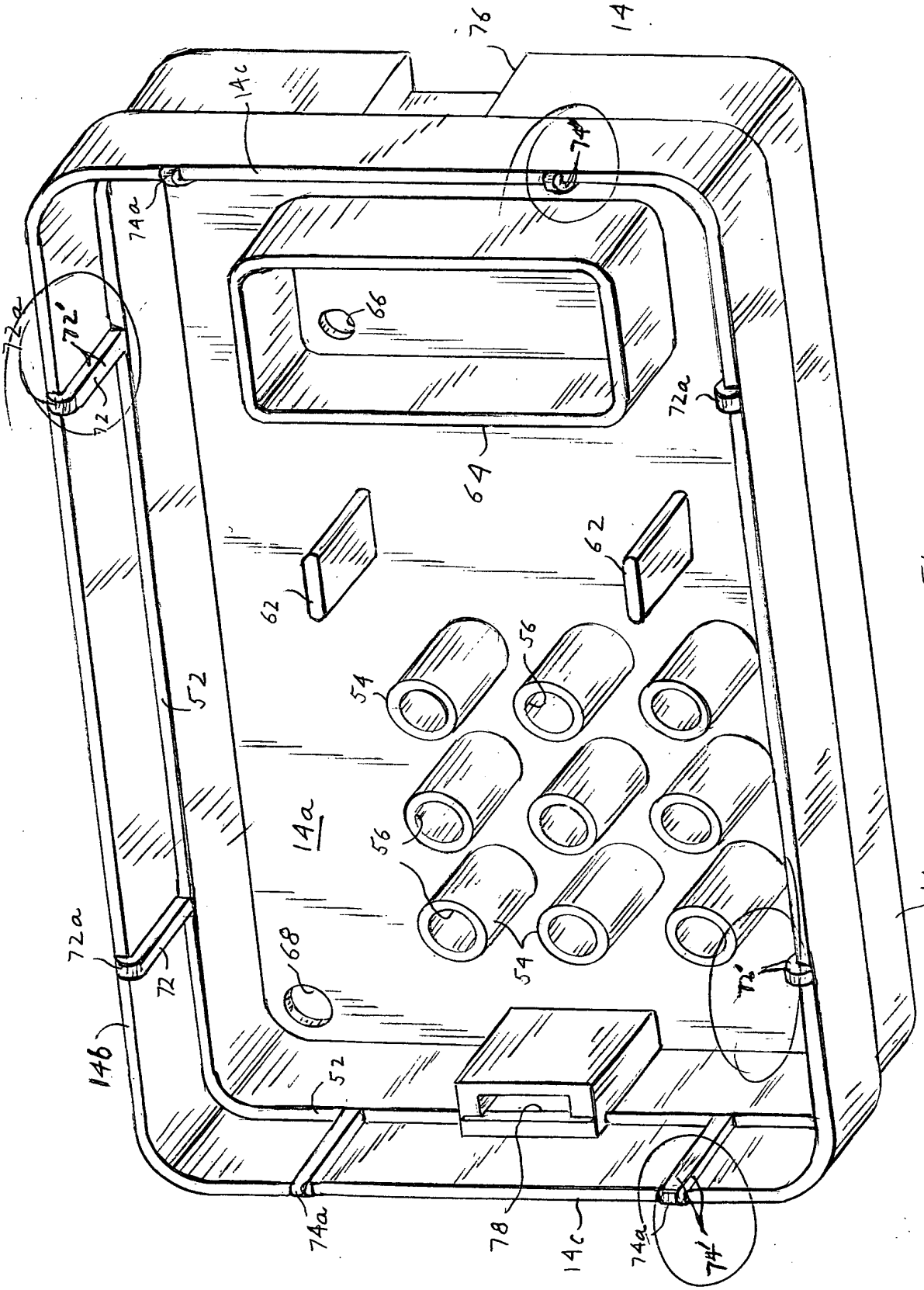

FIG. 4

Corrected Sheet

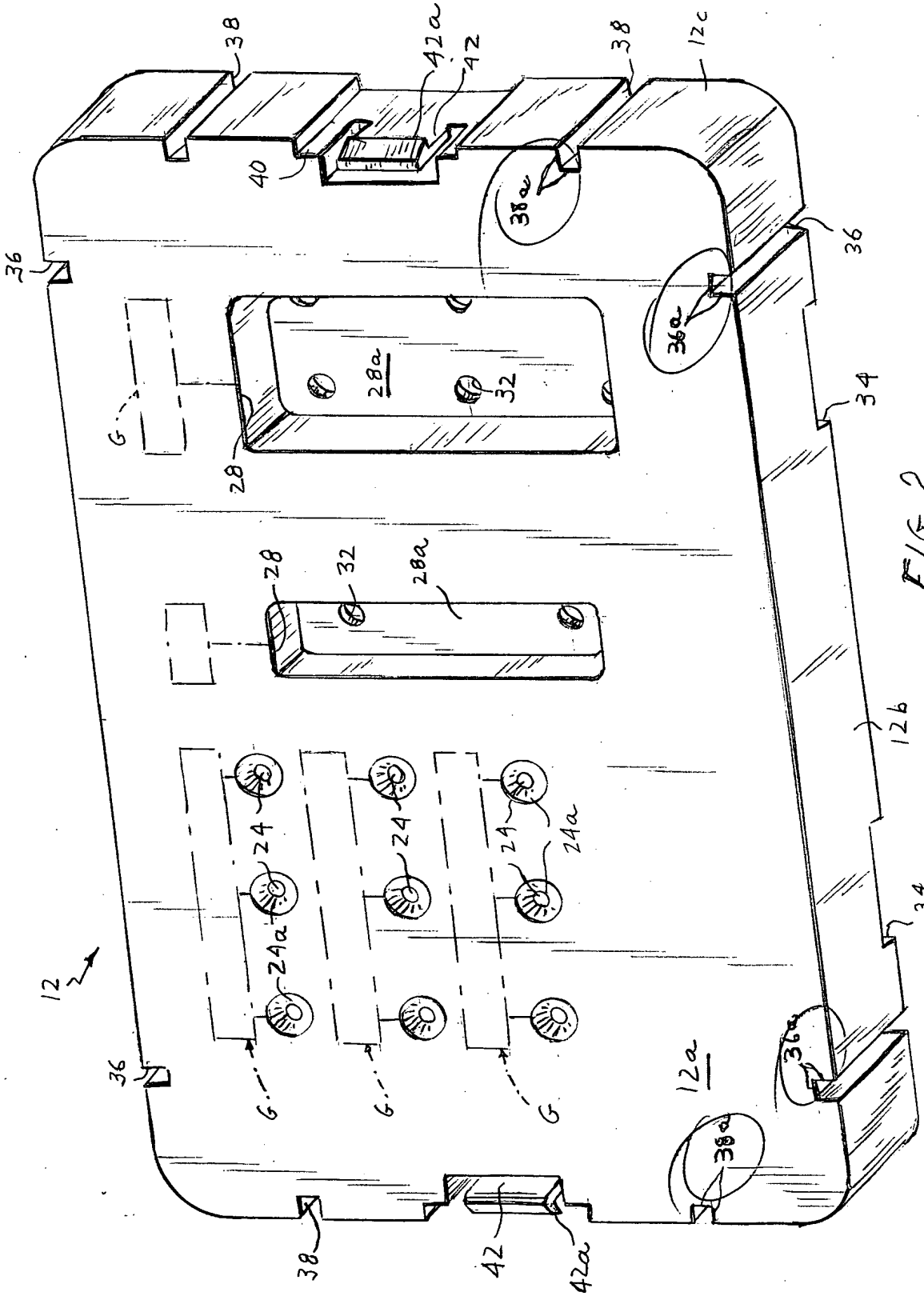

FIG. 2